

Remarks

The amendment does not involve new matter. The changes to the amended claims are mostly to clarify wording or provide more explicit antecedent basis. The term "monolithic", and new claim 21, are supported by page 5, line 18 of the specification.

Claims 1-20 were rejected in the outstanding Office Action under 35 U.S.C. § 112, second paragraph. The claims have been amended in a non-limiting fashion to address each of the points made in the Office Action except the use of "predetermined" in claim 14. It is submitted that this term does not make the claim vague and indefinite. As explained in the application, the prior art Chiga device can be folded from a straight position to an angular position and then locked into place. The present invention is a simplification of that design that still maintains many of its advantages. Specification, page 1, lines 15-17 and page 2, lines 1-4. In the invention, the filter body is fixedly connected in a predetermined angular position with respect to the tubular body. Specification, page 2, lines 11-13. That angular position may be different for different models of filters, but once the filter is manufactured, the angular position will not change. See Specification, page 2, lines 26-30. In light of this explanation in the specification, the term "a supporting body fixedly connected to the tubular body at the second end and at a predetermined angle to the tubular body" is clear and concise. A person reading the claim would understand whether an accused device had a "predetermined angle" or an adjustable angle. In light of this explanation and the forgoing amendments, this rejection has thus been overcome.

Claims 1, 2, 4, 5, 13-16 and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by PCT Patent Publication No. WO 00/03784 (Chiga). (The Office Action is not explicit with respect to which Chiga reference is being used, but the wording in the Office Action seems to fit the PCT publication. It is noted that U.S. Patent No. 6,575,309, which is the equivalent U.S. document, has now issued.) This rejection is respectfully traversed. The Office Action takes the position that the filter fabric 4 surrounding part 18 constitutes the tubular body recited in independent claims 1, 13 and 14. The claims, however, further require the pump connection neck positioned on a first

end of the tubular body. It is clear that in Chiga the pump connection piece 8 is positioned on the first part 18, rather than the filter fabric 4. Therefore, even if the filter fabric 4 could be considered a tubular body, the pump connection piece 8 is not "positioned on a first end" of such a tubular body. However, to further differentiate the claims from Chiga, the tubular body has now been described as monolithic, which means formed or composed of a material without joints or seams. The filter fabric 4 of Chiga does not form such a monolithic tubular body. Claims 1, 13 and 14 also require that the second part of the filter (made of the supporting body and filter fabric) is fixedly connected to the tubular body at a chosen or predetermined angle. In Chiga the supporting body 2 is not fixedly connected at a predetermined angle to the filter fabric 4 surrounding the first part 18. For all of these reasons, claims 1, 13 and 14, and claims 2, 4, 5, 15-16 and 20 dependent thereon are not anticipated by Chiga.

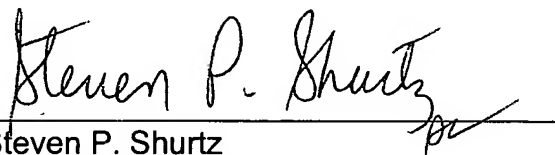
Claim 2 has an additional feature that distinguishes over Chiga. Chiga does not have an intake opening with a cross-sectional area at least as large as that of the pump connection neck, as required by claim 2. Contrary to the statement in the Office Action, Figures 1 and 3 of Chiga show an intake opening 16 that is smaller in cross-sectional area than that of the pump connection neck.

Claim 3 was rejected under 35 U.S.C. § 103(a) over Chiga. This rejection is respectfully traversed. Claim 3 is dependent on claim 1, and hence differs from Chiga as noted above. Further, it would not have been obvious to modify Chiga to produce the claimed invention. Certainly it would not have been obvious to convert the filter fabric 4 surrounding the first part 18 to a monolithic tubular member. Therefore claim 3 is patentable over Chiga.

Claims 9-12 and 17-19 were rejected under 35 U.S.C. § 103(a) over Chiga in view of U. S. Patent No. 5,665,229 (Fitzpatrick). This rejection is respectfully traversed. These claims are dependent on claims 1 and 14, and thus differ from Chiga at least in the manner described above. Fitzpatrick does not disclose a monolithic tubular body that otherwise meets the limitations of claims 1 and 14. Thus even if the references were combined, the combination would not meet claims 1 and 14. Thus claims 9-12 and 17-19 are patentable for at least the reasons specified above.

Since each of the reasons for the rejections have been overcome, it is believed that the case is in condition for allowance. An early notice of allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Steven P. Shurtz", is written over a horizontal line. The signature is fluid and includes a stylized flourish at the end.

Steven P. Shurtz
Registration No. 31,424
Attorney for Applicant

Dated: September 18, 2003
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200
Direct Dial: (801) 444-3933